

REMARKS

I. Introduction

In response to the Office Action dated August 24, 2004, claims 1-3 have been amended, and new claims 4-8 have been added. Claims 1-8 remain in the application. Reconsideration of the application, as amended, is requested.

II. Amendments

Applicants' attorney has made amendments to the specification claims as indicated above. These amendments were made solely for the purpose of correcting typographical errors in the specification and clarifying the language of the claims. The amendments are supported by the application as originally filed, and do not introduce new matter. Entry of these amendments is respectfully requested.

The amendment to claim 1 is supported by the specification at page 4, lines 4-7, and at page 8, lines 1-9.

The amendment to claim 2 is supported by the specification at page 5, line 18.

Claims 2 and 3 have also been amended to be consistent with the amended language of claim 1, from which they depend.

New claim 4 is supported by the specification at page 4, lines 26-27.

New claims 5 and 6 are supported by the specification at page 5, line 27, to page 6, line 8.

New claim 7 is supported by the specification at page 4, line 18.

New claim 8 is supported by the specification at page 5, line 27, to page 6, line 21.

III. Double Patenting Rejections

At page 2 of the Office Action, claims 1-3 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13-16 of U.S. Patent No. 5,994,136. At page 3 of the Office Action, claims 1-3 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6-9 of U.S. Patent No. 6,428,953.

In view of the amendments to the claims, Applicants maintain that these rejections are now moot.

IV. Non-Art Rejections

At page 4 of the Office Action, claims 1-3 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 1 and 2 to overcome this rejection.

V. Prior Art Rejections

At page 5 of the Office Action, claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by Sadaie et al., Virology, 1992, Vol. 187, pages 604-611 (Sadaie). At page 6 of the Office Action, claims 1-3 were rejected under 35 U.S.C. §102(e) as being anticipated by Naldini et al., U.S. Patent No. 5,994,136 (Naldini). At page 7 of the Office Action, claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by Ory et al., PNAS, 1996, Vol. 93, pages 11400-11406 (Ory).

Applicants maintain that the amendments to the claims render these rejections moot.

VI. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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